

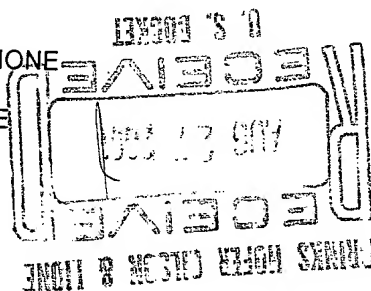


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,264	06/22/2001	Sean Adams	10466-35

BRINKS, HOFER, GILSON & LIONE  
SUITE 3600  
455 CITYFRONT PLAZA DRIVE  
CHICAGO, IL 60611



CONFIRMATION NO. 8727

FORMALITIES LETTER



\*OC000000006462024\*

Date Mailed: 08/23/2001

# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

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
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130.00 DP

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

12-26-01

Sector  
# ✓ #

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231  
on 12/18/01

Date of Deposit

Gregory M. Zinkl, Ph.D.

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature



Case No. 10466/35

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Adams et al.

Serial No.: 09/888,264

Filed: June 22, 2001

For: CONTROL OF  
METABOLISM WITH  
HUMAN 2-  
OXOGLUTARATE  
CARRIER

Attention: Manager,  
Application Branch

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED**

Commissioner for Patents  
Washington, D.C. 20231

Attn.: Box Missing Parts

Dear Sir:

In accordance with the Notice to File Missing Parts of Application Filing Date Granted dated August 23, 2001, a copy of which is attached, enclosed herewith for filing are the following documents:

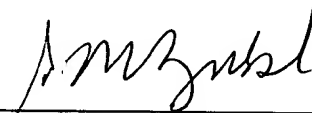


Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.

- ☒ Applicant is:
- ☐ a small entity, verified statement is:
- ☐ attached
- ☐ already filed
- ☒ other than small entity
- ☒ Checks totaling \$130.00 for:
- ☐ Filing Fee of \$\_\_\_\_.
- ☒ Surcharge of \$130.00.
- ☐ Additional Claim Fees of \$\_\_\_\_.
- ☒ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- ☐ Other: \_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: 12/16/01

  
\_\_\_\_\_  
Gregory M. Zinkl, Ph.D.  
Registration No. 48,492  
Agent for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is a Response to Notice to File Missing Parts; Petition for Extension of time; Declaration; Power of Attorney; copy of Notice to File Missing Parts; check in the amount of \$130.00; check in the amount of \$400.00 and return postcard.

☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.

☒ Petition for a 2 month extension of time.

☐ No additional fee is required.

☐ The fee has been calculated as shown below:

TRANSMITTAL LETTER					Case No. 10466/35	
Serial No. 09/886,264	Filing Date June 22, 2001	Examiner To be assigned	Group Art Unit 1646			
Inventor(s) Adams et al.						
Title of Invention CONTROL OF METABOLISM WITH HUMAN 2-OXOGLUTARATE CARRIER						

					Small Entity		Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 42=		x \$84=	
First Presentation of Multiple Dep. Claim					+ \$140=		+ \$280=	
					Total add'l fee	\$	Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$130.00 and \$400.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*Gregory M. Zinkl*  
 Gregory M. Zinkl, Ph.D.  
 Registration No.  
 Agent for Applicant

BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, ILLINOIS 60610  
 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail, label no. EL562415134US with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on 12/18/01

Date: 12/14/01

Signature: *Gregory M. Zinkl*